

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>NICOLE MEDICAL EQUIPMENT &amp;</b>	<b>:</b>	<b>CIVIL ACTION</b>
<b>SUPPLY, INC.,</b>	<b>:</b>	<b>10-389</b>
<b>Plaintiff,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>TRICENTURION, INC. and</b>	<b>:</b>	
<b>NHIC CORP.</b>	<b>:</b>	
<b>Defendants</b>	<b>:</b>	
	<b>:</b>	

**O R D E R**

AND NOW, this 28th day of March, 2011, upon review of Defendant's Motion to Dismiss [Doc. No. 16], Plaintiff's Response, Defendant's Reply and Plaintiff's Sur-Reply, and for the reasons set forth in the attached memorandum opinion, it is hereby **ORDERED** that Defendants' Motion is **GRANTED**. Plaintiff's Complaint is dismissed with prejudice as the Court lacks subject matter jurisdiction over the claims.

The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

**CYNTHIA M. RUFE, J.**